ORDINANCE NO. 2003 - 046

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENTS TO REMOVE NON-UTILIZED LAND USE DESIGNATIONS: **2003-0016 LGA (WEST LANTANA ROAD PROPERTIES)**, MODIFYING PAGE 83 OF THE FLUA BY CHANGING AN APPROXIMATELY 6.31 ACRES OF LAND, LOCATED ON THE SOUTH SIDE OF LANTANA ROAD APPROXIMATELY 550 FEET WEST OF CONGRESS AVENUE, FROM COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) TO COMMERCIAL HIGH (CH); **2003-0017 LGA (LANTANA/CONGRESS AMOCO)**, MODIFYING PAGE 83 OF THE FLUA BY CHANGING AN APPROXIMATELY 0.83 ACRE PARCEL OF LAND, LOCATED ON THE SOUTHWEST CORNER OF CONGRESS AVENUE AND LANTANA ROAD, FROM COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) TO COMMERCIAL HIGH (CH); **2003-0018 LGA (LANTANA/CONGRESS COMMERCIAL PROPERTIES)**, MODIFYING PAGE 83 OF THE FLUA BY CHANGING AN APPROXIMATELY 33.13 ACRES OF LAND, LOCATED ON THE SOUTHEAST CORNER OF LANTANA ROAD AND CONGRESS AVENUE, FROM COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) TO COMMERCIAL HIGH (CH); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 14 & 28 and March 14, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 2, 2003 to review the recommendations of the Local Planning Agency, whereupon

the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 23, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 20, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 21, 2003 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance:

A. Future Land Use Atlas page 83 is amended as follows:

Application No.: **2003-0016 LGA (West Lantana Road Properties)**

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) to Commercial High (CH);

General Location: South side of Lantana Road, approximately 550 feet west of Congress Avenue;

Size: Approximately 6.31 acres;

B. Future Land Use Atlas page 83 is amended as follows:

Application No.: **2003-0017 LGA (Lantana/Congress Amoco)**

Amendment: From Commercial High, with an underlying 8

units per acre (CH/8) to Commercial High (CH);

General Location: Southwest corner of Lantana Road and Congress Avenue

Size: Approximately 0.83 acres;

C. Future Land Use Atlas page 83 is amended as follows:

Application No.: **2003-0018 LGA (Lantana/Congress Commercial Properties)**

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) to Commercial High (CH);

General Location: Southeast corner of Lantana Road and Congress Avenue;

Size: Approximately 33.13 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has

become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21 day of August, 2003.

ATTEST: PALM BEACH COUNTY, FLORIDA,

DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____ By _____

Deputy Clerk Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____

COUNTY ATTORNEY

Filed with the Department of State on the 28 day

of August, 2003.

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EXHIBIT 1

A. Future Land Use Atlas page 83 is amended as follows:

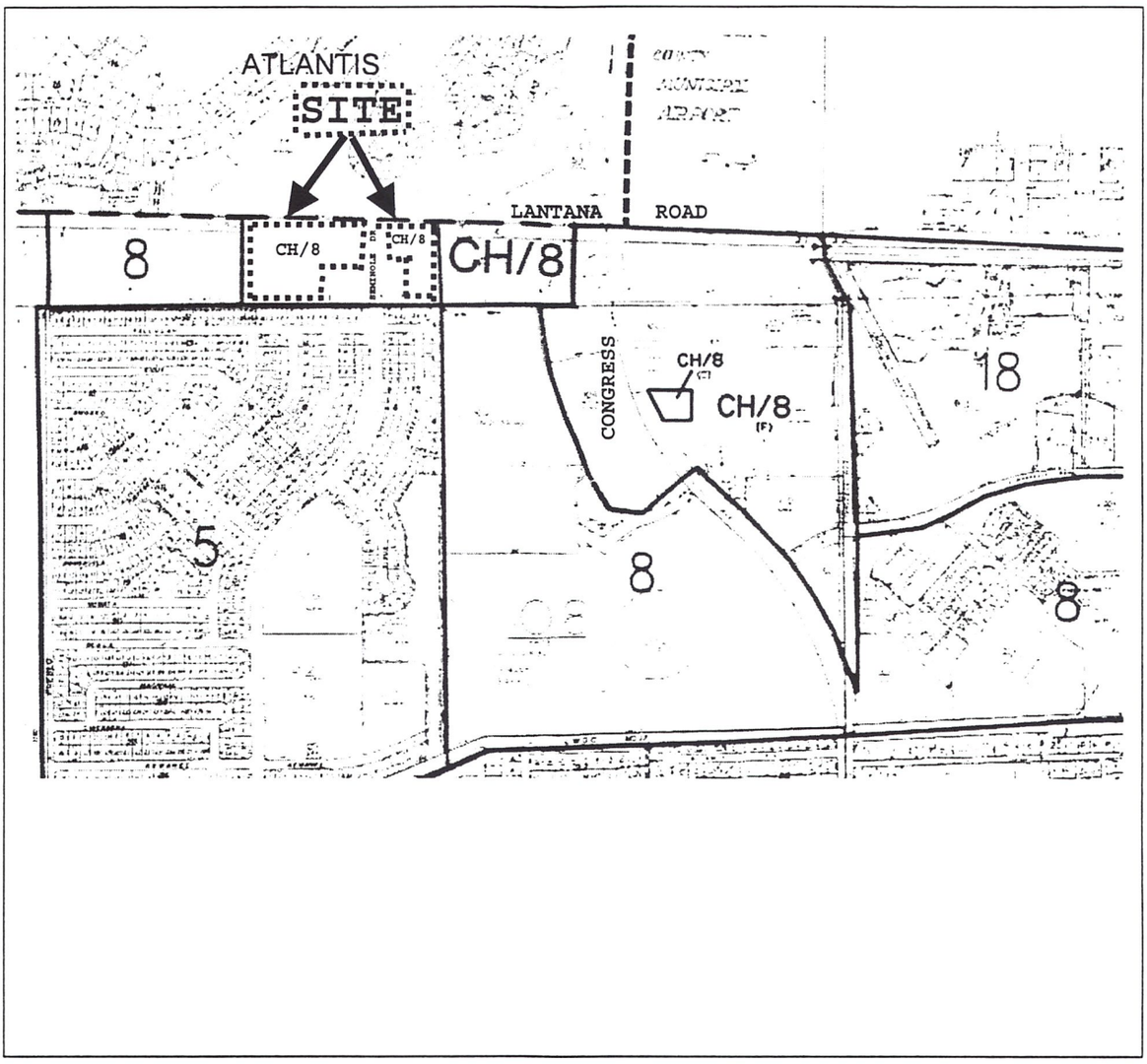
Amendment No.: **2003-0016 LGA (West Lantana Road Properties)**

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) to Commercial High (CH)

Location: South side of Lantana Road, approximately 550' west of Congress Avenue.

Size: Approximately 6.31 acres (combined)

Property No.: 00-43-44-39-00-000-0031, 00-43-44-39-00-000-0032, 00-43-44-39-00-000-0033, 00-43-44-39-00-000-0034, 00-43-44-39-01-000-0010, 00-43-45-06-03-012-0010, 00-43-45-06-06-003-0031, 00-43-45-06-06-003-0032



B. Future Land Use Atlas page 83 is amended as follows:

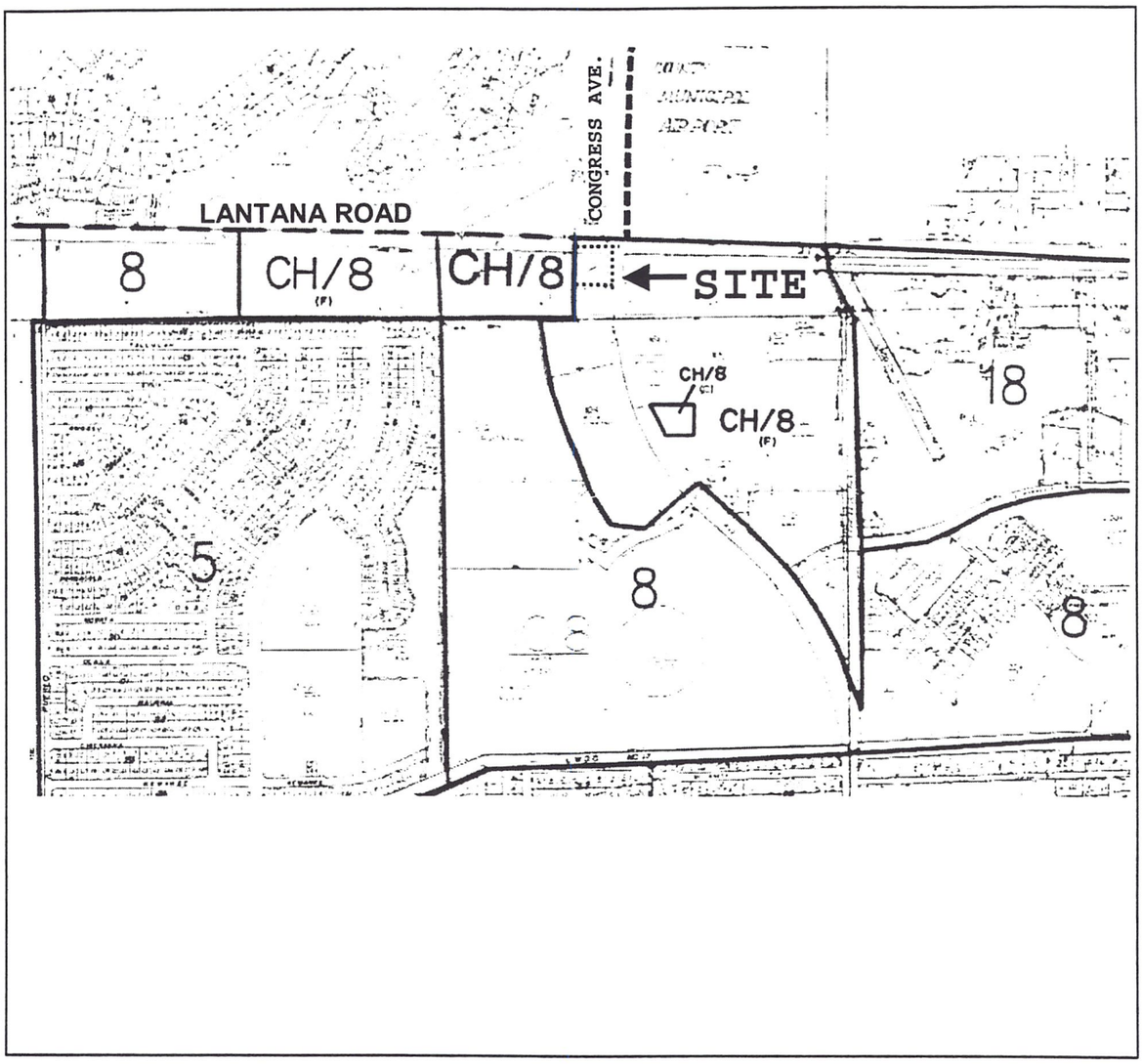
Amendment No.: **2003-0017 LGA (Lantana/Congress Amoco)**

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) to Commercial High (CH)

Location: Southwest corner of Lantana Road and Congress Avenue

Size: Approximately 0.83 acre

Property No.: 00-43-44-39-00-000-0023



C. Future Land Use Atlas page 83 is amended as follows:

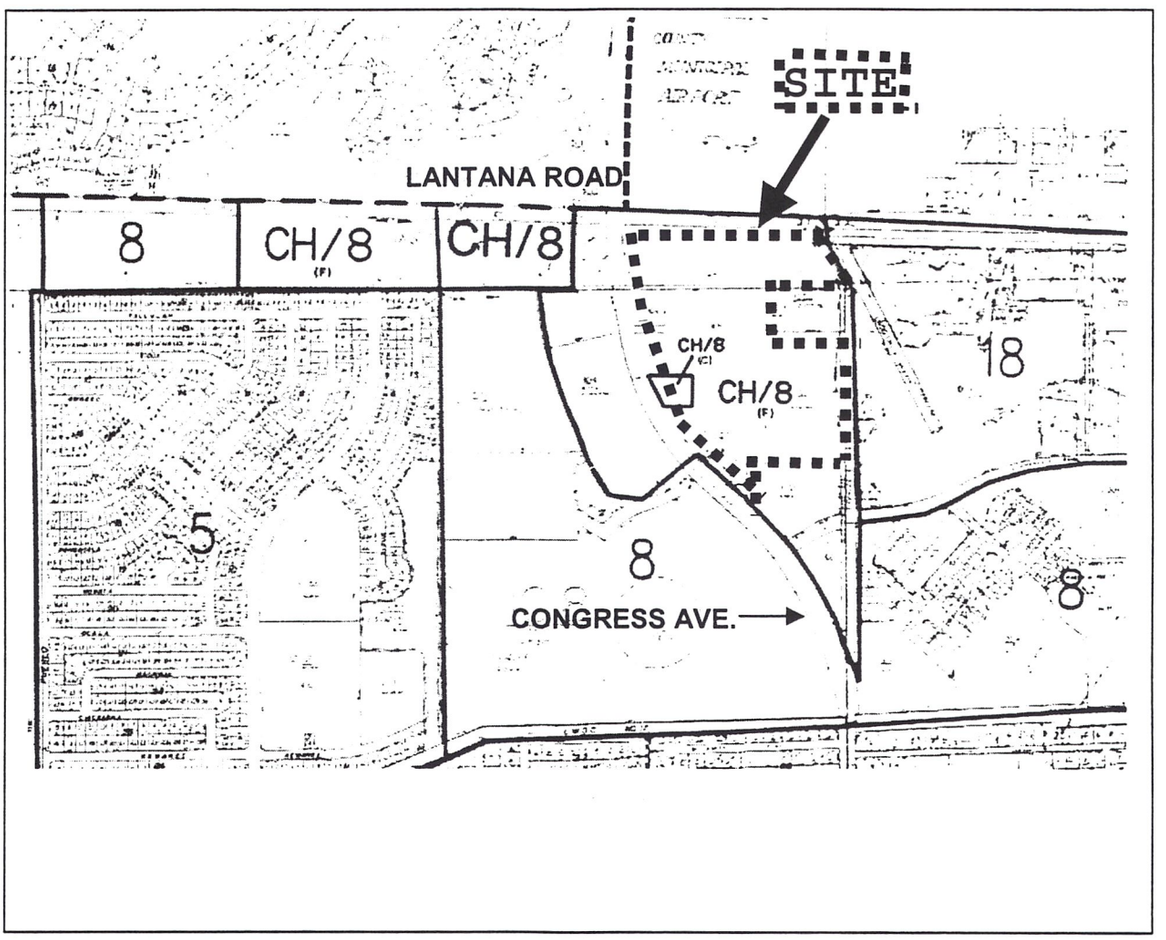
Amendment No.: **2003-0018 LGA (Lantana/Congress Commercial Properties)**

Amendment: From Commercial High Intensity, with an underlying 8 units per acre (CH/8) to Commercial High (CH)

Location: Southeast corner of Lantana Road and Congress Avenue

Size: Approximately 33.13 acres (combined)

Property No.: 00-43-44-39-00-000-0010, 00-43-44-39-00-000-0021, 00-43-44-39-00-000-0371, 00-43-44-39-00-000-0372, 00-43-45-06-00-000-1050, 00-43-45-06-00-000-1060, 00-43-45-06-00-000-1100, 00-43-45-06-00-000-1120, 00-43-45-06-00-000-1130, 00-43-45-06-00-000-1140



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on August 21, 2003
DATED at West Palm Beach, FL on 9/19/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.